



CLERK'S BOARD SUMMARY

REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS

**MONDAY
September 26, 2005**

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At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, September 26, 2005, at 9:13 a.m., there were present:

- Chairman Gerald E. Connolly, presiding
- Supervisor Sharon Bulova, Braddock District
- Supervisor Joan M. DuBois, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Penelope A. Gross, Mason District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Dana Kauffman, Lee District
- Supervisor Elaine McConnell, Springfield District
- Supervisor Linda Q. Smyth, Providence District

Others present during the meeting were Anthony H. Griffin, County Executive; Edward L. Long, Jr., Chief Financial Officer; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant to the County Executive; Regina Thorn Corbett, Assistant to the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; and Patti M. Hicks, Deputy Clerk to the Board of Supervisors.

BOARD MATTERS1. **MOMENT OF SILENCE** (9:13 a.m.)

(BACs) Chairman Connolly asked everyone to keep in thoughts the family of Ms. Dorothy “Dottie” Schick who recently died.

Supervisor Kauffman asked everyone to keep in thoughts the family of Mr. Fred Morin who died September 24, 2005. Mr. Morin was an original member of the Fairfax County Water Authority when it was created and he continued to serve until 2004. Supervisor Kauffman asked unanimous consent that the Board direct staff, in conjunction with the Fairfax Water Authority, to prepare a press release acknowledging the incredible continuous record of service Mr. Morin gave to the County. Without objection, it was so ordered.

Supervisor Gross and Supervisor Hudgins noted Ms. Dottie Schick’s many contributions to the citizens of the County and the region.

2. **RECOGNITION OF COUNTY STAFF AND PROGRAMS THAT RECEIVED AWARDS** (9:17 a.m.)

Chairman Connolly recognized the following National Association of Counties (NACo) Awards won by Fairfax County:

NACo Achievement Award Winners

- Chesapeake Bay Supplement – Comprehensive Plan
- Demonstrating Innovation – A Stormwater Retrofit
- Diversity Program – Many Faces of Fairfax
- Employee Travel Policy and Outreach Program
- Enhancing Emergency Management Through Partnerships, Facilities and Technology
- Environmental Excellence – E-2 Certification
- Health Access Assistance Team
- Improving Air Quality in the Washington Metropolitan Region – a Commitment to Air Quality Excellence – 2004 Protection Strategy
- Institute for Early Learning and Emerging Literacy

- Laurel Hill Public Private Partnership
- Magnet Housing Pilot Program

NACo Acts of Caring Award

- Children Helping Children

NACo and Center for Digital Government

- 2005 Digital Counties Survey Award

Additionally, the County won the 2005 Governor's Technology Award.

Discussion ensued congratulating the various staff and agencies for their hard work.

3. **FAIRFAX COUNTY'S PARTICIPATION IN HURRICANE RECOVERY**
(9:31 a.m.)

Anthony H. Griffin, County Executive, announced that various teams from the County are currently assisting in the hurricane recovery for the Gulf Coast. He noted that a team consisting of representatives from five major jurisdictions in the metropolitan area, headed by Robert Stalzer, Deputy County Executive, left today for New Orleans to assist with the recovery and provide assistance in the emergency operations center.

Chairman Connolly noted that the Fairfax County Urban Search and Rescue Team was called up for deployment for Hurricane Rita and had previously been deployed to the Mississippi area for Hurricane Katrina. He also noted that Fairfax Families Care was recently created to respond to the needs of evacuees who have relocated to the County area for a period of time and gave a brief update.

(NOTE: Later in the meeting, Chairman Connolly provided an update on Fairfax Families Care. See Clerk's Summary Items CL#56 and CL#78.)

AGENDA ITEMS

4. **PROCLAMATION DESIGNATING OCTOBER 9-15, 2005, AS "FIRE PREVENTION WEEK" IN FAIRFAX COUNTY** (9:36 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate October 9-15, 2005, as "*Fire Prevention Week*" in Fairfax County. Supervisor Hyland seconded the motion and it carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

5. **CERTIFICATE OF RECOGNITION PRESENTED TO THE FORT HUNT LITTLE LEAGUE 11-YEAR-OLD ALL-STARS (MOUNT VERNON DISTRICT)** (9:41 a.m.)

Supervisor Hyland moved approval of the Certificate of Recognition presented to the Fort Hunt Little League 11-year-old All-Stars for winning the 2005 Virginia State Championship. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Gross being out of the room.

6. **CERTIFICATE OF RECOGNITION PRESENTED TO THE MCLEAN LITTLE LEAGUE 11 AND 12-YEAR-OLD ALL-STARS GIRLS' SOFTBALL WORLD SERIES CHAMPIONSHIP TEAM (DRANESVILLE DISTRICT)** (9:49 a.m.)

Supervisor DuBois moved approval of the Certificate of Recognition to recognize the McLean Little League 11 and 12-year-old All-Star Girls' Softball World Series Championship Team for its accomplishment. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor Gross being out of the room.

7. **CERTIFICATE OF RECOGNITION PRESENTED TO THE WASHINGTON AND OLD DOMINION (W&OD) TRAIL TASK FORCE, AND REPRESENTATIVES OF THE NORTHERN VIRGINIA REGIONAL PARK AUTHORITY AND DOMINION VIRGINIA POWER** (9:58 a.m.)

(BACs) Supervisor Smyth moved approval of the Certificate of Recognition to recognize the W&OD Trail Task Force for its efforts in protecting the W&OD Trail. Supervisor Bulova seconded the motion.

Supervisor Hudgins moved approval of the Certificate of Recognition to recognize the members of the Northern Virginia Regional Park Authority for its efforts in protecting the W&OD Trail. Supervisor Bulova seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Certificate of Recognition to recognize Dominion Virginia Power for its efforts in protecting the W&OD Trail. Supervisor Hudgins seconded the motion.

The question was called on the motions, which carried by unanimous vote.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

8. **RESOLUTION TO COMMEND MS. JUDY BOWNS AND MR. BILL STRAUSS (DRANESVILLE DISTRICT)** (10:07 a.m.)

Supervisor DuBois moved approval of the Resolution to congratulate Ms. Judy Bowns and Mr. Bill Strauss for their commitment and achievement in

founding the Cappies, a student critics and awards program that celebrates regional high school theater arts. The motion was multiply seconded and it carried by a vote of nine, Supervisor Gross being out of the room.

9. **CERTIFICATE OF RECOGNITION TO RECOGNIZE MS. JANET MULDOON (BRADDOCK DISTRICT)** (10:16 a.m.)

(BACs) Supervisor Bulova moved approval of the Certificate of Recognition to recognize Ms. Janet Muldoon for her years of service to the Juvenile and Domestic Relations Court Citizens Advisory Council. Supervisor McConnell seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Gross being out of the room.

10. **RESOLUTION TO COMMEND MS. LINDA WIMPEY** (10:23 a.m.)

Supervisor Frey moved approval of the Resolution to commend Ms. Linda Wimpey of Fairfax Area Christian Emergency and Transitional Services, Incorporated, for her accomplishments in the community. Chairman Connolly seconded the motion and it carried by a vote of eight, Supervisor DuBois and Supervisor Gross being out of the room.

11. **PROCLAMATION DESIGNATING SEPTEMBER 2005 AS “NATIONAL FOOD SAFETY EDUCATION MONTH” IN FAIRFAX COUNTY** (10:32 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved approval of the Proclamation to designate September 2005 as “*National Food Safety Education Month*” in Fairfax County. Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

Chairman Connolly congratulated Cassandra Mitchell-Baker, staff, Health Department, for being the recipient of the Jerrold M. Michael Award from the National Capital Area Environmental Health Association as the environmental health professional of the year.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

12. **PROCLAMATION DESIGNATING OCTOBER 10, 2005, AS “FOOD FOR OTHERS DAY” IN FAIRFAX COUNTY** (10:37 a.m.)

Supervisor Smyth moved approval of the Proclamation to designate October 10, 2005, as “*Food for Others Day*” in Fairfax County. Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor DuBois, Supervisor Gross, and Supervisor Hudgins being out of the room.

13. **10 A.M. – REPORT OF THE FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION** (10:44 a.m.)

James Wordsworth, Executive Committee Chairman, presented the Fairfax County Convention and Visitors Corporation report.

C. Arnie Quirion, President and Chief Executive Officer, Fairfax Convention and Visitors Corporation, presented the new advertising campaign and slogan “FX Marks the Spot” to assist tourists to the County. He unveiled the new logo “FXVA.COM”. Staff presented a display of the campaign, which included a Segway operated by staff with advertising that will be used at Tysons Corner Mall to assist tourists, and print advertisements. A celebration will be held in front of the Government Center displaying a promotional bus which will run on Connector routes in western Fairfax.

Staff announced a new website, www.FXVAC.com, and new telephone number, 703-LUV-FXVA.

Discussion ensued with input from Anthony H. Griffin, County Executive, regarding ways to promote the advertising campaign such as attending the 2006 National Association of Counties convention in Chicago and possible incorporation of the new logo into the County personal property tax decals.

ADDITIONAL BOARD MATTER

14. **ABSENCE OF MASON DISTRICT SUPERVISOR PENNY GROSS** (11:24 a.m.)

(BACs) Chairman Connolly announced that Supervisor Gross had to leave for a family medical emergency and that appointments to citizen boards, authorities, commissions and advisory groups would go forward.

AGENDA ITEMS

15. **10:15 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (11:24 a.m.)

(APPTS)

(BACs)

ADVISORY SOCIAL SERVICES BOARD

Supervisor Bulova moved the reappointment of Mr. Ryan Kelly as the Braddock District Representative to the Advisory Social Services Board. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

Supervisor DuBois moved the appointment of Ms. Penny Chaboudy as the Dranesville District Representative to the Advisory Social Services Board.

Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

Supervisor Smyth moved the reappointment of Ms. Marcia Hoexter as the Providence District Representative to the Advisory Social Services Board. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

The Board deferred the appointments of the Hunter Mill, Lee, and Sully District Representatives to the Advisory Social Services Board.

AFFORDABLE DWELLING UNIT ADVISORY BOARD

Chairman Connolly moved the reappointment of Mr. Richard Rose as the Builder Representative to the Affordable Dwelling Unit Advisory Board. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

CONFIRMATION:

Supervisor Hyland moved the confirmation of the following appointment to the Affordable Dwelling Unit Advisory Board:

- Donna Pesto, Planner III, as the Department of Planning and Zoning Representative

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

AIRPORTS ADVISORY COMMITTEE

The Board deferred the appointment of the Springfield District Representative to the Airports Advisory Committee.

ANIMAL SERVICES ADVISORY COMMISSION

The Board deferred the appointment of the Dranesville District Representative to the Animal Services Advisory Commission.

ARCHITECTURAL REVIEW BOARD

The Board deferred the appointments of the Professional Group #2 and #5 Representatives to the Architectural Review Board.

ATHLETIC COUNCIL

Supervisor Smyth moved the reappointment of Mr. Stephen McLaughlin as the Providence District Principal Representative to the Athletic Council. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

Supervisor McConnell moved the appointment of Mr. William Stephens to fill the unexpired term of Ms. Jacqueline Stephens as the Women's Sports Association Principal Representative. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

The Board deferred the appointments of the Dranesville District Alternate, Hunter Mill District Alternate, and Mason District Alternate Representatives to the Athletic Council.

BOARD OF EQUALIZATION OF REAL ESTATE ASSESSMENTS

Supervisor DuBois moved the appointment of Mr. William C. Harvey, II, as the Appraiser #2 Representative to the Board of Equalization of Real Estate Assessments. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS

Supervisor Kauffman moved the reappointment of Ms. Phyllis Ford as the At-Large #1 Representative to the Celebrate Fairfax, Incorporated Board of Directors. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

Chairman Connolly moved the reappointment of Ms. Cheryl Berry-Gaines as the At-Large #4 Representative to the Celebrate Fairfax, Incorporated Board of Directors. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

Supervisor Hudgins moved the following reappointments to the Celebrate Fairfax, Incorporated Board of Directors:

- Mr. Donald Weber, Sr., as the At-Large #2 Representative
- Mr. Christopher Welker as the At-Large #3 Representative

Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

CHILD CARE ADVISORY COUNCIL

Supervisor Kauffman moved the reappointment of Ms. Tamara Derenak as the Lee District Representative to the Child Care Advisory Council. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

Supervisor Hyland moved the reappointment of Ms. Karen Hecker as the Mount Vernon District Representative to the Child Care Advisory Council. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

Supervisor Smyth moved the reappointment of Ms. Brenda Wills Otis as the Providence District Representative to the Child Care Advisory Council. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

The Board deferred the appointment of the Sully District Representative to the Child Care Advisory Council.

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION

The Board deferred the appointments of the Religious Community and the Sully District Representatives to the Commission on Organ and Tissue Donation and Transplantation.

COMMUNITY ACTION ADVISORY BOARD**CONFIRMATION:**

Supervisor Bulova moved the confirmation of the following appointment to the Community Action Advisory Board:

- Ms. Jennifer Branch as the Head Start Principal Representative

Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

The Board deferred the appointments of the Dranesville and Lee District Representatives to the Community Action Advisory Board.

COUNTYWIDE NON-MOTORIZED TRANSPORTATION (TRAILS) COMMITTEE

The Board deferred the appointment of the Mason District Representative to the Countywide Non-Motorized Transportation (Trails) Committee.

CRIMINAL JUSTICE ADVISORY BOARD**CONFIRMATION:**

Supervisor Hudgins moved the confirmation of the following appointment to the Criminal Justice Advisory Board:

- Mr. Elwood Jones, Director of Alcohol Safety Action Program (ASAP), as the ASAP Representative

Supervisor DuBois seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

The Board deferred the appointment of the Hunter Mill District Representative to the Criminal Justice Advisory Board.

EMPLOYER CHILD CARE COUNCIL**CONFIRMATIONS:**

Supervisor Hudgins moved the confirmation of the following appointments to the Employer Child Care Council:

- Ms. Janice Garlitz, as the Member #2 Representative
- Ms. Janet Reimer as the Member #3 Representative
- Ms. Debi Gay as the Member #4 Representative
- Ms. Natalie Jackson as the Member #5 Representative
- Ms. Karen Strang as the Member #9 Representative
- Ms. Laurie Dalton as the Member #15 Representative
- Ms. Sandy Fazio as the Member #16 Representative

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

ENGINEERING STANDARDS REVIEW COMMITTEE

The Board deferred the appointment of the Citizen #3 Representative to the Engineering Standards Review Committee.

FAIRFAX AREA DISABILITY SERVICES BOARD

The Board deferred the appointments of the Hunter Mill, Lee, Providence, and Springfield District Representatives to the Fairfax Area Disability Services Board.

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**CONFIRMATION:**

Supervisor Hudgins moved the confirmation of the following appointment to the Fairfax Community Long Term Care Coordinating Council:

- Ms. Judy Ratliff as the Community #3 Representative

Supervisor DuBois seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD OF DIRECTORS

The Board deferred the appointment of the Mason District Representative to the Fairfax County Convention and Visitors Corporation Board of Directors.

FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD

Chairman Connolly moved the appointment of Ms. Lynne Schlaaff-Crammer as the At-Large #4 Representative to the Fairfax-Falls Church Community Services. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

Supervisor McConnell announced the nomination of Ms. Lori Stillman as the Springfield District Representative to the Fairfax-Falls Church Community Services Board at the next Board meeting scheduled for October 17, 2005.

The Board deferred the appointment of the Springfield District Representative to the Fairfax-Falls Church Community Services Board.

HUMAN RIGHTS COMMISSION

Chairman Connolly moved the reappointment of Ms. Virginia Ruiz as the At-Large #9 Representative to the Human Rights Commission. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

Chairman Connolly moved the reappointment of Ms. Martina Hone as the At-Large #11 Representative to the Human Rights Commission. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

Supervisor Hudgins moved the reappointment of Ms. Heather Lawson as the At-Large #12 Representative to the Human Rights Commission. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

The Board deferred the appointments of the At-Large #1, #2, and #8 Representatives to the Human Rights Commission.

HUMAN SERVICES COUNCIL

Supervisor DuBois moved the appointment of Mr. Jay Volkert to fill the unexpired term of Ms. Winifred Pizzano as the Dranesville District #2 Representative to the Human Services Council. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

The Board deferred the appointment of the Sully District #2 Representative to the Human Services Council.

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Supervisor Kauffman moved the appointment of Mr. William Betts to fill the unexpired term of Ms. Elizabeth Murphy as the Lee District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

Supervisor McConnell moved the appointment of Mr. Joseph Bunnell to fill the unexpired term of Ms. Cindy Rodgers as the Springfield District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

The Board deferred the appointments of the At-Large Chairman's Representative and Providence District Representative to the Juvenile and Domestic Relations Court Citizens Advisory Council.

OVERSIGHT COMMITTEE ON DRINKING AND DRIVING

Supervisor McConnell moved the appointment of Mr. William Stephens to fill the unexpired term of Mrs. Jacqueline Stephens as the Springfield District Representative to the Oversight Committee on Drinking and Driving. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

CONFIRMATION:

Supervisor DuBois moved the confirmation of the following appointment to the Oversight Committee on Drinking and Driving:

- Mr. Elwood Jones, Director of ASAP, as the ASAP Representative

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

The Board deferred the appointments of the Braddock, Dranesville, Mason, and Providence District Representatives to the Oversight Committee on Drinking and Driving.

ROAD VIEWERS BOARD

Supervisor McConnell moved the appointment of Mr. Joseph Bunnell as the At-Large #1 Representative to the Road Viewers Board. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

The Board deferred the appointment of the At-Large #4 Representative to the Road Viewers Board.

SMALL BUSINESS COMMISSION

The Board deferred the appointments of the Hunter Mill and Mason District Representatives to the Small Business Commission.

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL

The Board deferred the appointment of the Fairfax County #7 Representative to the Southgate Community Center Advisory Council.

TENANT LANDLORD COMMISSION

Supervisor DuBois moved the appointment of Ms. Ashley Walde as the Landlord Member #3 Representative to the Tenant Landlord Commission. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

TRANSPORTATION ADVISORY COMMISSION

The Board deferred the appointment of the Hunter Mill District Representative to the Transportation Advisory Commission.

YOUTH BASKETBALL COUNCIL ADVISORY BOARD**CONFIRMATIONS:**

Supervisor Frey and Supervisor McConnell jointly moved the confirmation of the following appointments to the Youth Basketball Council Advisory Board:

- Mr. Tom Moore as the Chairman Representative
- Mr. C. McClain Haddow as the Immediate Past Chairman Representative
- Mr. Fred Plumb as the Commissioner, Scheduler, and the Fort Hunt Athletic Association Alternate Representative
- Mr. Garrett Stone as the Secretary and McLean Youth, Incorporated Alternate Representative
- Mr. Michael Stensrud as the Member At-Large and the Fairfax Police Youth Club Representative
- Mr. Thomas Howell as the Parliamentarian, and the Herndon Optimist Club Representative
- Mr. Fred McCarrick as the Treasurer and Turnpike Basketball Club Representative
- Ms. Aggie McCormick-Dix as the Girls Deputy Commissioner Representative
- Mr. Christopher Pulley as the Fairfax County Department of Community and Recreation Services Representative

- Mr. Marvin Elliott as the Alexandria City Recreation Representative
- Dr. Frank DeLatour as the Annandale Boys and Girls Club Representative
- Mr. Ed Hoeg as the Annandale Boys and Girls Club Alternate Representative
- Mr. David Green as the Arlington County Recreation Representative
- Mr. John Blevins as the Arlington County Recreation Alternate Representative
- Mr. Kevin Prince as the Ashburn Athletic Association Representative
- Mr. Bob Modowski as the Ashburn Athletic Association Alternate Representative
- Mr. Grady Bryant as the Baileys Community Center Representative
- Mr. Jim Watson as the Braddock Road Youth Club Representative
- Mr. Mark Partonen as the Burke Basketball Representative
- Mr. Jack McHale as the Burke Basketball Alternate Representative
- Ms. Litsa Mattfeld as the Chantilly Youth Association Representative
- Mr. Marty Small as the Chantilly Youth Association Alternate Representative
- Ms. Michelle Chapman-Campbell as the David R. Pinn Recreation Center Representative
- Mr. Adam Wilk as the David R. Pinn Recreation Center Alternate Representative

- Mr. Russ McClure as the Fairfax Police Youth Club Alternate Representative
- Mr. Chris Madison as the Falls Church Parks and Recreation Representative
- Ms. Mitzi Taylor as the Falls Church Parks and Recreation Alternate Representative
- Mr. Richard L. Herman as the Fort Belvoir Youth Services Representative
- Mr. Alton Greene as the Fort Belvoir Youth Services Alternate Representative
- Mr. Kenneth Waters as the Fort Hunt Athletic Association Representative
- Ms. Beth Eckert as the Great Falls Athletic Association Representative
- Ms. Lisa Walsh as the Great Falls Athletic Association Alternate Representative
- Ms. Dawn Lucas as the Gum Springs Community Center Representative
- Ms. Tanya Alestock as the Gum Springs Community Center Alternate Representative
- Mr. Tom Benton as the Herndon Optimist Club Alternate Representative
- Mr. Bob Williams as the James Lee Community Center Representative
- Ms. Lorraine Williams as the James Lee Community Center Alternate Representative
- Mr. Ray Cicale as the Lee District Basketball Representative
- Mr. Tim Shouman as the Lee District Basketball Alternate Representative

- Mr. Rob Barth as the McLean Youth, Incorporated Representative
- Mr. Antoine Harris as the Mott Community Center Representative
- Ms. Gale Scott as the Mott Community Center Alternate Representative
- Mr. Chuck Gupton as the Mount Vernon Youth Association Representative
- Mr. Will Nesbitt as the Mount Vernon Youth Association Alternate Representative
- Mr. Mitch Kalman as the Reston Youth Basketball League Representative
- Mr. Ron Wiley as the Reston Youth Basketball League Alternate Representative
- Mr. Dave Vennergrund as the Southwestern Youth Association Representative
- Mr. Bob Korman as the Southwestern Youth Association Alternate Representative
- Mr. Rob Barnard as the Springfield Youth Club Representative
- Mr. Chris Spera as the Springfield Youth Club Alternate Representative
- Mr. Tom Stepka as the Turnpike Basketball Club Alternate Representative
- Mr. E.J. Thomas as the Vienna Youth Incorporated Representative
- Mr. Taylor Roberts as the Vienna Youth Incorporated Alternate Representative

Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

AD HOC COMMITTEES

HUNTER MILL ROAD AREA SPECIAL STUDY TASK FORCE

The Board deferred the appointment of the Hunter Mill District #9 Representative to the Hunter Mill Road Area Special Study Task Force.

TYSONS CORNER TRANSPORTATION AND URBAN DESIGN STUDY COORDINATING COMMITTEE

CONFIRMATION:

Supervisor Hudgins moved the confirmation of the following appointment to the Tysons Corner Transportation and Urban Design Study Coordinating Committee:

- Ms. Jo Hodgin as the Arts Council Representative

Supervisor DuBois seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

Supervisor Smyth moved the appointment of Mr. William Lue as the Providence District #2 Representative to the Tysons Corner Transportation and Urban Design Study Coordinating Committee. Chairman Connolly seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

VIRGINIA 2007 COMMUNITY CITIZEN PLANNING COMMITTEE

CONFIRMATIONS:

Supervisor Hudgins moved the confirmation of the following appointments to the Virginia 2007 Community Citizen Planning Committee:

- Ms. Ann Rodriguez as the Arts Council Representative
- Mr. Walton Ferrell, Jr., as the Smithsonian Institution Representative

Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

ADDITIONAL APPOINTMENT**NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD**

Supervisor Bulova moved the appointment of Mr. David Miller to fill the unexpired term of Mr. Andy Shallal as the Fairfax County #3 Representative to the Northern Virginia Community College Board. Supervisor McConnell seconded the motion, which carried by a vote of nine, Supervisor Gross being out of the room.

NV:nv

16. **ADMINISTRATIVE ITEMS** (11:36 a.m.)

Supervisor Smyth moved approval of the Administrative Items. Supervisor Bulova seconded the motion.

Supervisor DuBois asked to amend the motion to consider Admin 3 separately, and this was accepted.

Chairman Connolly called the Board's attention to Admin 19 – Board Authorization to Distribute Information on the November Referendum on the Issuance of County Bonds in the Maximum Aggregate Principal Amount of \$246,325,000 for the Fairfax County Public Schools and discussion ensued, with input from Michael H. Long, Senior Assistant County Attorney, regarding the number of students affected and per capita expenses.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to direct staff to rewrite the explanation to more accurately reflect the magnitude of the effect of the bond for school projects, and to provide the material in multiple languages. This was accepted.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Supervisor Smyth called the Board's attention to Admin 20 – Authorization to Advertise Public Hearings on Proposed Amendments to the Code of the County of Fairfax to the Public Facilities Manual and Chapter 101 Section 2-9 (Subdivision Provisions) and Chapter 104 Section 1-3 (Erosion and Sedimentation Control) of the Code of the County of Fairfax, Virginia and discussion ensued regarding bike lanes (as part of the shoulders) with input from Judith Cronauer, Engineer III, Department of Public Works and Environmental Services (DPWES) and Anthony H. Griffin, County Executive.

Further discussion ensued regarding waivers of sidewalks and unit prices, with input from Mr. Cronauer, and traffic calming and cut-through traffic, with input from Doug Hanson, staff, Department of Transportation.

Additional discussion ensued regarding sidewalks, pavement requirements, and escrow flexibility, with input from Ms. Cronauer and James Patteson, Director, Site Development Services, DPWES.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to add language that allows flexibility for all sidewalk escrows. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

Further discussion ensued regarding the 10-foot requirement for shared use trails and waiver provisions, with input from Mr. Patteson.

The question was called on the motion, as amended, and with the exception of Admin 3, and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross being out of the room.

ADMIN 1 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING TO EXECUTE A SECOND AGREEMENT AMENDMENT AND AMENDED RIDER TO LEASE WITH THE TOWN OF HERNDON TO SHARE EXPENSES FOR A NEIGHBORHOOD RESOURCE CENTER (DRANESVILLE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 17, 2005, at 4:30 p.m.** to execute a Second Agreement amendment and Amended Rider to Lease with the Town of Herndon, Virginia (Town), to share expenses for office space in the Dulles Park Shopping Center to provide neighborhood resource services in a joint Neighborhood Resource Center.

ADMIN 2 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (BRADDOCK, PROVIDENCE, AND SPRINGFIELD DISTRICTS)

Approved an extension of review period for the following Public Facility (2232) Review Applications:

- FS-S05-14 to November 21, 2005
- FS B05-30 to November 21, 2005
- FS-P05-24 to November 27, 2005

ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2002-DR-011, FRANCIS FORTIN, JUNIOR (DRANESVILLE DISTRICT)

(NOTE: Later in the meeting, the Board took action on this item. See Clerk's Summary Item CL#17.)

ADMIN 4 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2002-MV-022, TRUSTEES OF ENGLSIDE BAPTIST CHURCH (MOUNT VERNON DISTRICT)

- (AT) Approved 18 months of additional time to commence construction for Special Exception Application SE 2002-MV-022 to November 18, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 5 – RESOLUTION TO INSTALL “WATCH FOR CHILDREN” SIGNS ON HILLBROOK DRIVE AND CINDY LANE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (MASON DISTRICT)

- (R)
- Adopted the Resolution endorsing the installation of “Watch for Children” signs as part of the R-TAP at the following locations:
 - Hillbrook Drive
 - Cindy Lane
 - Directed staff to request the Virginia Department of Transportation to install the necessary signs at the earliest possible date.

ADMIN 6 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX G, EXPANDING THE ANNANDALE TERRACE RESIDENTIAL PERMIT PARKING DISTRICT (RPPD), DISTRICT 37 (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **Monday, October 17, 2005, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix G, to expand the Annandale Terrace RPPD, District 37. The proposed district expansion includes the following street blocks:

- Medford Drive (Route 3087) from Madeira Place (Route 3094) to Denver Court (Route 3095)
- Madeira Place from Medford Drive to the end

ADMIN 7 – INSTALLATION OF YIELD TO PEDESTRIANS IN CROSSWALK \$100-\$500 VIOLATION FINE SIGNS

Endorsed the installation of Yield to Pedestrians in Crosswalk \$100–\$500 Violation Fine signs at the 53 subject locations, as shown in Attachment 1 of the Board Agenda Item dated September 26, 2005.

ADMIN 8 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, ESTABLISHING THE UNION MILLS COMMUNITY PARKING DISTRICT (CPD) (SULLY DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 17, 2005, at 4 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Appendix M, establishing the Union Mills CPD in accordance with current CPD restrictions, to be in effect seven days per week, 24 hours per day.

ADMIN 9 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO VACATE AND ABANDON SOUTHLAND AVENUE (MASON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **November 21, 2005, at 4 p.m.** to consider the vacation and abandonment of Southland Avenue.

ADMIN 10 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING REGARDING PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, EXPANDING THE SIGNAL HILL COMMUNITY PARKING DISTRICT (CPD) (BRADDOCK DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **Monday, October 17, 2005, at 4 p.m.** regarding proposed amendments to the Code of the County of Fairfax, Appendix M. expanding the Signal Hill CPD, in accordance with the current CPD restrictions, to be in effect seven days per week, 24 hours per day.

ADMIN 11 – INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS ON IDYLWOOD ROAD BETWEEN STATE ROUTE 7 AND GALLOWS ROAD AS PART OF THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION’S RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (PROVIDENCE DISTRICT)

- (R) Adopted the Resolution endorsing the installation of “\$200 Additional Fine for Speeding” signs on Idylwood Road between State Route 7 and Gallows Road.

ADMIN 12 - AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH-TRUCK TRAFFIC ON FORT DRIVE, EDGEHILL DRIVE, MONTICELLO ROAD, AND FARNSWORTH DRIVE AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) (LEE DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 17, 2005, at 4:30 p.m.** to consider endorsing roads to be included in the R-TAP for a through-truck traffic restriction as follows:

- Fort Drive between North Kings Highway and Edgehill Drive
- Edgehill Drive between Fort Drive and Farmington Drive
- Monticello Road between Fort Drive and Farmington Drive
- Farnsworth Drive between Monticello Road and Farmington Drive

ADMIN 13 - AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR FISCAL YEAR (FY) 2007 REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND CONGESTION MITIGATION AND AIR QUALITY PROGRAM FUNDS (CMAQ)

Authorized the DOT to submit an application to the Northern Virginia Transportation Authority for FY 2007 RSTP and CMAQ funds in the amount of \$32,750,000. There is no local cash match required.

ADMIN 14 – ADDITIONAL TIME TO ESTABLISH THE USE FOR SPECIAL EXCEPTION APPLICATION SE 2002-HM-014, HBL INCORPORATED (HUNTER MILL DISTRICT)

- (AT) Approved 12 months of additional time to establish the use for Special Exception Application SE 2002-HM-014 to May 18, 2006, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 15 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-D-045-07, WASHINGTON DC SMSA LP D/B/A/ VERIZON WIRELESS (DRANESVILLE DISTRICT)

- (AT) Approved three months of additional time to commence construction for Special Exception Amendment Application SEA 80-D-045-07, pursuant to the provisions of Section 9-015 of the Zoning Ordinance.

ADMIN 16 – STREETS INTO THE SECONDARY SYSTEM
(DRANESVILLE, PROVIDENCE, AND SULLY DISTRICTS)

- (R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Carrington Section 1	Dranesville	Jarrett Valley Drive (Route 8912) Washington Dulles Access Road (Route 267) Additional ROW Only
Carrington Section 2		Carrington Ridge Lane (Route 8911) Leesburg Pike (Route 7) Additional ROW Only
Carrington Section 3		Edgepark Road (Route 6644) Jarrett Valley Drive (Route 8912) Washington Dulles Access Road (Route 267) Additional ROW Only
Crimmins Subdivision	Providence	Powhatan Street (Route 2833) Additional ROW Only
Butte Property		Lance Lane
Morada Ridge		Hilltop Road (Route 744) Additional ROW Only
Sandburg Park 1		Sandburg Street (Route 936) Additional Row Only I-495 Additional ROW Only
Devereaux Estates	Sully	Devereaux Court Pearson Valley Lane Scotch Run Court Veronica Road (Route 1022) Additional ROW Only

ADMIN 17 - DESIGNATION OF PLANS EXAMINER STATUS UNDER THE EXPEDITED LAND DEVELOPMENT REVIEW PROGRAM

Designated the following individuals, identified with their registration numbers, as Plans Examiners:

- Jeremiah B. Stonefield (263)
- Shane Davin Revelle (264)

ADMIN 18 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF THE ROUTE ONE/ENGLESIDE POST OFFICE TURN LANE IMPROVEMENT PROJECT (MOUNT VERNON DISTRICT)

- (A) Authorized the advertisement of a public hearing to be held before the Board on **October 17, 2005, at 4 p.m.** to consider the acquisition of certain land rights necessary for the construction of Project 4YP002 – Route One/Engleside Post Office Turn Lane Improvement, in Fund 304, Primary and Secondary Road Bond Construction.

ADMIN 19 – BOARD AUTHORIZATION TO DISTRIBUTE INFORMATION ON THE NOVEMBER REFERENDUM ON THE ISSUANCE OF COUNTY BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$246,325,000 FOR THE FAIRFAX COUNTY PUBLIC SCHOOLS

(NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 19.)

Authorized staff to print and distribute the explanatory statement included in the Board Agenda Item dated September 26, 2005.

ADMIN 20 – AUTHORIZATION TO ADVERTISE PUBLIC HEARINGS ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX TO THE PUBLIC FACILITIES MANUAL (PFM) AND CHAPTER 101 SECTION 2-9 (SUBDIVISION PROVISIONS) AND CHAPTER 104 SECTION 1-3 (EROSION AND SEDIMENTATION CONTROL) OF THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

- (A) (NOTE: Earlier in the meeting, the Board took additional action regarding this item. See page 19.)

Authorized the advertisement of public hearings to be held before the Planning Commission on October 27, 2005, and before the Board on **November 21, 2005, at 4 p.m.** to consider proposed amendments to the PFM and

Chapter 101 Section 2-9 and Chapter 104 Section 1-3 of the Code of the County of Fairfax, Virginia.

17. **ADMIN 3 – ADDITIONAL TIME TO COMMENCE CONSTRUCTION FOR SPECIAL EXCEPTION APPLICATION SE 2002-DR-011, FRANCIS FORTIN, JUNIOR (DRANESVILLE DISTRICT)** (11:55 a.m.)

(Earlier in the meeting, the Board deferred action on this item. See page 19.)

Following a brief statement, Supervisor DuBois moved to deny the request for 30 months of additional time to commence construction for Special Exception Application SE 2002-DR-011, pursuant to the provisions of Section 9-015 of the Zoning Ordinance. Supervisor Hyland seconded the motion, which carried by a vote of eight, Supervisor Gross and Supervisor

18. **A-1 – APPROVAL OF THE FISCAL YEAR (FY) 2006 STATE PERFORMANCE CONTRACT BETWEEN THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD AND THE VIRGINIA DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND SUBSTANCE ABUSE SERVICES** (11:56 a.m.)

On motion of Supervisor McConnell, seconded by Supervisor Hudgins, and carried by a vote of nine, Supervisor Gross being out of the room, the Board concurred in the recommendation of staff and approved the FY 2006 State Performance Contract between the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services and the associated acceptance of funds.

19. **A-2 – APPROVAL OF AWARD FROM FUND 319, ONE PENNY FOR HOUSING FLEXIBILITY FUND, TO AHC LIMITED PARTNERSHIP - 12 FOR THE ACQUISITION, REHABILITATION AND PRESERVATION OF 98 UNITS AT HOLLYBROOK II CONDOMINIUM COMPLEX AND AUTHORIZING THE FAIRFAX COUNTY REDEVELOPMENT AND HOUSING AUTHORITY (FCRHA) TO MAKE THE LOAN (MASON DISTRICT)** (11:56 a.m.)

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board concur in the recommendation of staff and approve the award of up to \$3,750,000 from Fund 319, One Penny for Housing Flexibility Fund, to AHC Limited Partnership – 12, for the acquisition, rehabilitation and preservation of 98 units at Hollybrooke II condominium complex and authorized FCRHA to make the loan. Vice-Chairman Bulova seconded the motion.

Following comments from Chairman Connolly regarding the need to move forward on this issue, and with input from Paula Sampson, Director, Department of Housing and Community Development, the question was called on the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

(NOTE: Later in the meeting, the Board took action on another agenda item regarding Hollybrooke II. See Clerk's Board Summary Item CL#27.)

20. **A-3 – APPROVAL OF RIGHTS-OF-WAY AND UTILITY EASEMENTS IN EXCESS OF 30 FEET ON PROPERTY TRANSFERRED TO THE PARK AUTHORITY AND REQUEST TO AUTHORIZE THE COUNTY EXECUTIVE AND/OR HIS DESIGNEE TO GRANT SUCH APPROVALS IN THE FUTURE** (11:57 a.m.)

(R) Supervisor Hyland moved adoption of the Resolution authorizing the County Executive or his designee to:

- Execute the necessary documents consenting to the County Park Authority's granting of the requested rights-of-way and utility easements in excess of 30 feet in width for the Virginia Department of Transportation projects located at Pohick Road and Chain Bridge/Hooes/Furnace Roads as referenced in the Resolution.
- Approve all rights-of-way and utility easements in excess of 30 feet in width as permitted under the deeds for properties previously transferred from the Board to the Park Authority and such authorization shall be included in deeds for future conveyances of property between the Board and the Park Authority.

Supervisor McConnell seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross being out of the room.

21. **A-4 – APPROVAL FOR THE TRANSMITTAL OF COMMENTS ON THE TRI-COUNTY PARKWAY LOCATION STUDY DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) AND DRAFT SECTION 4(f) EVALUATION** (11:59 a.m.)

Supervisor Frey referred to a study done by the Washington Airports Task Force of the impacts on local streets and evaluated the impacts on the neighborhood and secondary roads in western Fairfax County and asked unanimous consent that the Board direct staff to review this study and communicate with the Virginia Department of Transportation to evaluate and report with its findings. Without objection, it was so ordered.

Supervisor Frey moved that the Board concur in the recommendation of staff and approve transmittal of Attachment I of the Board Agenda Item from the County

Executive to the Virginia Department of Transportation regarding the Tri-County Parkway DEIS. The second to this motion was inaudible.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked to amend the motion to combine bullets two and three of Attachment I of the Board Agenda Item to acknowledge certain transportation benefits as well as significant environmental hurdles that would need to be overcome. Bullet four would then become bullet three, and this was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Gross being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

22. **A-5 – APPROVAL FOR THE TRANSMITTAL OF COMMENTS ON THE MANASSAS NATIONAL BATTLEFIELD PARK BYPASS STUDY DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)** (12:07 p.m.)

Supervisor Frey noted that the Battlefield Bypass Study and the project to try to relocate Route 29 from the center of the Manassas Battlefield Park is not a transportation project but a historic preservation project.

Supervisor Frey moved that the Board:

- Direct staff to include the following comments in the letter:
 - The Board conceptually supports the historic preservation mission of this project and it believes in the long term interests of the National Battlefield that relocating a primary commuter highway out of the center of the Park is in the best long term interests of the Park.
 - Relocation is the only way to achieve the widening of Route 29.
 - Request additional citizen input before this is finalized.
- Concur in the recommendation of staff and approve transmittal of Attachment I of the Board Agenda Item, with comments and recommendations relative to the Manassas National Battlefield Park Bypass Study DEIS, from the County Executive to the Federal Highway Administration.

Supervisor McConnell seconded the motion.

Following discussion, Supervisor McConnell asked unanimous consent that the Board include a statement about the urgency of reviewing this road as another evacuation route to be used in an emergency. Without objection, it was so ordered.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Gross being out of the room.

23. **A-6 - TESTIMONY FOR PUBLIC HEARING ON THE COMMONWEALTH OF VIRGINIA'S SIX-YEAR PROGRAM FOR HIGHWAY AND TRANSIT FUNDS FOR FISCAL YEAR (FY) 2007 THROUGH FY 2012** (12:15 p.m.)

Supervisor McConnell moved that the Board concur in the recommendation of staff and approve transmittal of a letter to Pierce Homer, Secretary, Virginia Department of Transportation (VDOT), concerning the recommendations of the Board relating to highway and transit projects proposed for funding by VDOT for FY 2007 and the update of the associated VDOT Six-Year Program for FY 2007 to FY 2012, emphasizing its concerns regarding allocations to Interstate, Primary, and transit projects, facilities, and services. Supervisor Bulova seconded the motion.

Supervisor Kauffman referred to handwritten page six of the Board Agenda Item and asked unanimous consent that the Board direct staff to begin planning the linking of job centers (Reston and Fort Belvoir) when the two-mile segment of the Fairfax County Parkway is completed. Without objection, it was so ordered.

Supervisor Kauffman referred to handwritten page nine of the Board Agenda Item and asked to amend the motion to direct staff to include in the comments the need for a transit study of the Richmond Highway corridor, and this was accepted.

Discussion ensued with Katharine D. Ichter, Acting Director, Department of Transportation, regarding funding issues.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Gross being out of the room.

24. **A-7 – ADOPTION OF A CHANGE TO THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (R-TAP) FOR TRAFFIC-CALMING** (12:19 p.m.)

- (R) Supervisor Smyth moved that the Board concur in the recommendation of staff and adopt the Resolution requesting the Virginia Department of Transportation to allow for modification to the R-Tap procedures as set forth in its Statewide "Traffic-Calming Guide for Local Residential Streets" dated October 2002, to streamline the process for the County. Supervisor Kauffman seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Connolly and asked to amend the motion to direct staff to:

- Notify at least the two Board Members of a given district when on the cusp of two districts.
- When close to a border, notify three Members of the Board.
- Periodically notify the Board of the aggregate actions in an Information Item.

Following input from Katharine D. Ichter, Acting Director, Department of Transportation, the question was called on the motion, as amended, which carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE," Supervisor Gross being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

25. **A-8 – REVISIONS TO CHAPTER 17 OF THE PERSONNEL REGULATIONS EXPANDING THE MEMBERSHIP OF THE CIVIL SERVICE COMMISSION AND MODIFYING THE EMPLOYEE APPEAL PROCESS** (12:20 p.m.)

(BACs) On behalf of Supervisor Gross (Chair of the Board's Personnel Committee), Supervisor Smyth moved that the Board:

- Concur in the recommendation of staff and approve the proposed revisions to Chapter 17 of the Personnel Regulations expanding the Civil Service Commission from five to twelve members with panels of three members to hear employee appeals during the business day.
- Direct staff to review the comments provided by the Civil Service Commission as contained in Attachment II of the Board Agenda Item and report if staff recommends further changes.

Supervisor Smyth noted that the Board anticipates that staff will be monitoring the transition to the new employees appeal process to ensure that it is meeting the needs of both employees and managers and that staff will provide the Board with recommendations for any further revisions after some experience under the new system.

Supervisor Hudgins seconded the motion.

Supervisor Hudgins asked unanimous consent that the Board direct staff to respond to the issue of retaliation and the issue of access to evidence. Without objection, it was so ordered.

The question was called on the motion and it carried by a vote of nine, Supervisor Gross being out of the room.

26. **C-1 – 2004 VIRGINIA MUNICIPAL LEAGUE (VML) ANNUAL CONFERENCE** (12:22 p.m.)

The Board next considered an item contained in the Board Agenda dated September 26, 2005, requesting designation of voting delegates to represent the County at the VML Annual Conference.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board:

- Suspend its membership from VML and that the Board not attend the conference.
- Direct the County Executive to suspend the dues.

Supervisor Hyland seconded the motion.

Following a brief discussion regarding County representation on a committee as a VML Representative, the question was called on the motion, and it carried by a vote of nine, Supervisor Gross being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

27. **I-1 LOCAL COMMENT LETTER TO THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY (VHDA) ON HOLLYBROOK II CONDOMINIUMS (MASON DISTRICT)** (12:25 p.m.)

(NOTE: Earlier in the meeting, the Board took action on another agenda item regarding Hollybrooke II. See Clerk's Board Summary Item CL#19.)

The Board next considered an item contained in the Board Agenda dated September 26, 2005, requesting authorization for the County Executive to sign a letter of support for the Hollybrook II Condominium project and forward it to VHDA for consideration with the tax credit application.

The staff was directed administratively to proceed as proposed.

28. **I-2 – CONTRACT AWARD – CONTRACT FOR ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) WEST PARCEL MAINTENANCE FACILITY (SPRINGFIELD DISTRICT)**
(12:25 p.m.)

The Board next considered an item contained in the Board Agenda dated September 26, 2005, requesting authorization for staff to award a contract to Gauthier, Alvarado and Associates in the amount of \$760,350 to provide architectural and engineering design services for Project 09211, Public Safety and Transportation Operations Center, in Fund 312, Public Safety Construction, to provide space programming, full design and construction administration for the VDOT West Parcel Maintenance Facility portion of the project.

The staff was directed administratively to proceed as proposed.

29. **I-3 – SECOND ROUND OF PUBLIC MEETINGS ON UPDATING THE TRANSPORTATION ELEMENT OF THE COUNTY POLICY PLAN (TRANSPORTATION PLAN UPDATE)** (12:25 p.m.)

The Board next considered an item contained in the Board Agenda dated September 26, 2005, presenting the schedule for the public meetings for the Transportation Plan Update according to the scheduled dates and locations as listed in the Board Agenda Item.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to include more information regarding the Board's Four Year Transportation Plan in the second round of meetings. Without objection, it was so ordered.

Vice-Chairman Connolly returned the gavel to Chairman Connolly.

Supervisor Kauffman asked unanimous consent that the Board direct staff to report with the status of providing the Department of Transportation (DOT) with the tools (through the Department of Information Technology) for developing the cumulative impact of development. Without objection, it was so ordered.

Discussion ensued regarding the transportation policy plan with input from Leonard Wolfenstein, Section Chief, Transportation Planning Section, DOT.

There was a brief discussion regarding the improvement of the integration of trails into the transportation process.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to:

- Make available copies of the Board's Four Year Transportation Plan at all of the meetings.
- Include in its presentation a description of that Four Year Plan so that the public is aware of the "game plan" that the Board is operating on for a four year period.

Without objection, it was so ordered.

Vice-Chairman Connolly returned the gavel to Chairman Connolly.

A brief discussion continued regarding the plan, with input from Katharine D. Ichter, Acting Director, DOT.

30. **I-4 – QUARTERLY STATUS REPORT ON THE BOARD'S FOUR-YEAR TRANSPORTATION PLAN INCLUDING THE ANNUAL UPDATE OF NON-CAPITAL TRANSPORTATION IMPROVEMENT STRATEGIES**
(12:29 p.m.)

The Board next considered an item contained in the Board Agenda dated September 26, 2005, presenting the quarterly status report of the Board's Four-Year Transportation Plan.

Discussion ensued regarding projects that will not be completed by the year 2007, with input from Katharine D. Ichter, Acting Director, Department of Transportation.

Supervisor Kauffman asked unanimous consent that the Board direct staff to publicize the successful completion of projects. Following input from Ms. Ichter, without objection, it was so ordered.

Supervisor Kauffman asked unanimous consent that the Board direct staff to provide more information regarding upcoming public meetings in October. Following input from Ms. Ichter, without objection, it was so ordered.

Discussion ensued regarding the status of the Route 29 and Gallows Road project, with input from Christopher Reed, Four Year Plan and Fairfax County Parkway EPG Coordinator, Virginia Department of Transportation.

Supervisor Gross asked unanimous consent that the Board direct staff examine the opportunity for the installation of a bus shelter at Cherokee and Route 236 as part of a trail and sidewalk project. Following input from Ms. Ichter, without objection, it was so ordered.

31. **I-5 – CONTRACT AWARD – CONTRACT FOR ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR FIRE AND RESCUE STATION FEASIBILITY STUDIES (MASON AND DRANESVILLE DISTRICTS)** (12:35 p.m.)

The Board next considered an item contained in the Board Agenda dated September 26, 2005, requesting authorization for staff to award a contract to Samaha Associates, P.C. in the amount of \$132,458 to provide architectural and engineering conceptual design for Fire and Rescue Station Renewal and Replacement within Project 009484, Prioritized Feasibility Studies, in Fund 303, County Construction, to provide existing facility evaluation, space programming, conceptual design, and construction cost estimating.

The staff was directed administratively to proceed as proposed.

32. **I-6 – CONTRACT AWARD – CONTRACT FOR ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR THE SOUTH RUN RECCENTER FITNESS ADDITION (SPRINGFIELD DISTRICT)** (12:35 p.m.)

The Board next considered an item contained in the Board Agenda dated September 26, 2005, requesting authorization for staff to award a contract to Bowie Gridley Architects in the amount of \$337,000 to provide architectural and engineering design services for the South Run RECenter Fitness Addition to provide programming, construction documents, and design services during construction for the project which consists of an approximately 7,000 square-foot expansion to the existing RECenter and the related site improvements.

The staff was directed administratively to proceed as proposed.

33. **I-7 – CONTRACT AWARD – MOUNT VERNON MEMORIAL HIGHWAY AT ROUTE ONE SPOT IMPROVEMENT (MOUNT VERNON DISTRICT)** (12:35 p.m.)

The Board next considered an item contained in the Board Agenda dated September 26, 2005, requesting authorization for staff to award a contract to A and M Concrete Corporation in the amount of \$218,510 for the construction of Mount Vernon Memorial Highway at Route One Spot Improvement, Project 064234, in Fund 304, primary and secondary Road Construction, and includes construction of an additional left turn lane from northbound Mount Vernon Memorial Highway to Richmond Highway, traffic signal modification, and other related items.

Discussion ensued regarding the improvement's impact on the proposed four-lane improvement along Old Mill Road, with input from Katharine D. Ichter, Acting Director, Department of Transportation.

The staff was directed administratively to proceed as proposed.

34. **I-8 – CONTRACT AWARD – WEST OX ROAD INFRASTRUCTURE PROJECT (SPRINGFIELD DISTRICT)** (12:41 p.m.)

The Board next considered an item contained in the Board Agenda dated September 26, 2005, requesting authorization for staff to award a contract to S.W. Rogers Company in the amount of \$12,182,100 upon the acquisition of all required permits for the construction of the West Ox Road Infrastructure Project Number 009211/Infrastructure in Fund 312, Public Safety Construction, to prepare the site and provide roads and underground utilities for the future construction of the Public Safety and Transportation Operations Center, the Bus Operations Center, and the Virginia Department of Transportation Regional Administration Building at the intersection of West Ox Road and the Fairfax County Parkway.

The staff was directed administratively to proceed as proposed.

35. **ORDERS OF THE DAY** (12:42 p.m.)

Chairman Connolly announced that the Board would present Board Matters when the Board reconvened after closed session to allow the Board time to visit the County's Convention and Visitors Corporation's promotional bus.

ADDITIONAL BOARD MATTER

36. **AUDIT COMMITTEE REPORT** (12:42 p.m.)

(BACs) Supervisor DuBois reported that the Audit Committee recently met and received, among other items, the Auditor's report on the County's Fleet Utilization. In that report it was noted that the County Executive directed that 29 vehicles be turned in no later than October 7, 2005. On the recommendation of the Auditor, the Audit Committee is recommending that 11 additional vehicles be turned in.

Accordingly, Supervisor DuBois moved that the Board accept the Quarterly Status Report on Operations, as of September 20, 2005, with a request that a total of 40 vehicles be turned in no later than October 7, 2005, pending review by the County Executive for appeal due to compelling circumstances. Supervisor Bulova seconded the motion.

Following discussion regarding County vehicles, Supervisor Kauffman asked to amend the motion to direct the Auditor to revisit the type of vehicles used by public safety staff, and this was accepted.

Chairman Connolly noted that the Auditor is currently examining the utilization of gasoline and the authorization procedures for the use of gasoline in the County fleet.

The question was called on the motion, as amended, which carried by a vote of nine, Supervisor McConnell being out of the room.

37. **RECESS/CLOSED SESSION** (12:46 p.m.)

Supervisor Gross moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
 - 1. *Board of Supervisors v. Donald Reiser and Irma B. Reiser*, At Law No. CL-2004-0227479 (Fx. Co. Cir. Ct.) (Sully District)
 - 2. *Board of Supervisors v. Rite Aid of Virginia, Inc., et al.*, At Law No. CL-2005-0226736 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 3. *West Lewinsville Heights Citizens Association, Stephen L. Sulzer, Leonard N. Berman, Daniel J. Wolkensdorfer, Donald N. Huff, and Robert F. Rosenbaum v. Board of Supervisors of Fairfax County, Virginia, Fairfax County Park Authority, and William E. Shoup, Fairfax County Zoning Administrator*, Record No. 042274; *Board of Zoning Appeals of Fairfax County v. Board of Supervisors of Fairfax County, Virginia, Fairfax County Park Authority, and William E. Shoup, Fairfax County Zoning Administrator*, Record No. 042326 (Sup. Ct. Va.) (Dranesville District)

4. *The Ira and Virginia Cox Limited Partnership, LLP, et al. v. Board of Zoning Appeals, et al.*, At Law No. CL-2002-0210690 (Fx. Co. Cir. Ct.); *William E. Shoup, Fairfax County Zoning Administrator v. The Ira and Virginia Cox Limited Partnership, LLP*, In Chancery No. CH-2003-0183107 (Fx. Co. Cir. Ct.), Record No. 042782 (Sup. Ct. Va.) (Sully District)
5. *Board of Supervisors, et al. v. Board of Zoning Appeals, et al.*, Record No. 051269 (Sup. Ct. Va.) (Mason District)
6. *William E. Shoup, Fairfax County Zoning Administrator v. Anil Sareen, et al.*, In Chancery No. CH-2005-0001472 (Fx. Co. Cir. Ct.) (Providence District)
7. *William E. Shoup, Fairfax County Zoning Administrator v. Chau Ly and Enterprise Leasing Company*, In Chancery No. CH-2005-0000090 (Fx. Co. Cir. Ct.) (Providence District)
8. *William E. Shoup, Fairfax County Zoning Administrator v. Hrair H. Kazanjian*, In Chancery No. CH-2004-0192518 (Fx. Co. Cir. Ct.) (Mount Vernon District)
9. *William E. Shoup, Fairfax County Zoning Administrator v. Gerson O. Camacho and Carmen S. Camacho*, In Chancery No. CH-2005-0004204 (Fx. Co. Cir. Ct.) (Providence District)
10. *William E. Shoup, Fairfax County Zoning Administrator v. Barbara A. Rojas*, In Chancery No. CH-2005-0004102 (Fx. Co. Cir. Ct.) (Lee District)
11. *Board of Supervisors of Fairfax County, Virginia v. The Advance Group/ Lake Fairfax, LLC, et al.*, At Law No. CL-2005-0005564 (Fx. Co. Cir. Ct.) (Hunter Mill District)

And in addition:

- Washington Mutual Bank, FA, et al. versus Costello P. Wilson, et al., Civil Action Number: 1-05-cv-605

- Virginia Code Section 15.2-2285
- Virginia Code Section 15.2-852
- Proposed Ordinance to Amend Appendix H of the Fairfax County Code to Grant a Non-Exclusive Cable Television Franchise to Verizon Virginia, Incorporated
- Virginia Code Section 24.2-108

Supervisor Bulova seconded the motion, and it carried by a vote of nine, Supervisor McConnell being out of the room.

NV:nv/PMH:pmh

At 4:47 p.m., the Board reconvened in the Board Auditorium with all Members being present, and with Chairman Connolly presiding.

ACTIONS FROM CLOSED SESSION

38. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:47 p.m.)

Supervisor Bulova moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Hudgins seconded the motion and it carried by unanimous vote, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Chairman Connolly voting "AYE."

39. **ITEMS FROM CLOSED SESSION TO BE PRESENTED LATER IN THE MEETING** (4:48 p.m.)

Supervisor DuBois stated that she would present two actions from closed session later in the meeting.

(NOTE: Later in the meeting, the Board took action on these items. See Clerk's Board Summary Items CL#49 and CL#50.)

40. **SETTLEMENT OF WASHINGTON MUTUAL BANK, FA, ET AL., VERSUS WILSON, ET AL, CIVIL ACTION NUMBER 1-05-CV-605** (4:48 p.m.)

Supervisor Hudgins moved that the Board authorize the County Attorney to settle the case of *Washington Mutual Bank, FA, et al., versus Wilson, et al*, Civil Action Number 1-05-cv-605 in accordance with the terms and conditions outlined in closed session. Supervisor Bulova seconded the motion, which carried by a vote of eight, Supervisor DuBois and Supervisor Frey being out of the room.

41. **REJECTION OF SETTLEMENT IN BOARD OF SUPERVISORS VERSUS RITE AID OF VIRGINIA, INCORPORATED, ET AL, AT LAW NUMBER CL -2005-0226736** (4:49 p.m.)

Supervisor Hyland moved that the Board reject the settlement offer and make a counteroffer in *Board of Supervisors versus Rite Aid of Virginia, Incorporated, et al*, At Law Number CL -2005-0226736 (Fairfax County Circuit Court), as outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

42. **SETTLEMENT OFFER IN BOARD OF SUPERVISORS VERSUS DONALD REISER AND IRMA B. REISER, AT LAW NUMBER CL-2004-0227479** (4:49 p.m.)

Supervisor Frey moved that the Board accept the settlement offer in *Board of Supervisors versus Donald Reiser and Irma B. Reiser*, At Law Number CL-2004-0227479 (Fairfax County Circuit Court), according to the terms and conditions outlined by the County Attorney in closed session. Supervisor Bulova seconded the motion, which carried by a vote of nine, Supervisor DuBois being out of the room.

AGENDA ITEMS

43. **3 P.M. – BOARD DECISION ON REZONING APPLICATION RZ 2004-MV-030 (LUKEN COMPANY, LC) (MOUNT VERNON DISTRICT)** (4:50 p.m.)

(NOTE: On June 6, 2005, the Board deferred the decision on this item until June 20, 2005. On June 20, 2005, the Board deferred the decision on this item until July 25, 2005. On July 25, 2005, the Board deferred the decision on this item until September 26, 2005.)

Supervisor Hyland moved to defer the public hearing on Rezoning Application RZ 2004-MV-030 until **October 17, 2005, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

44. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 2002-PR-017 (CAPITAL ONE BANK) TO AMEND SPECIAL EXCEPTION APPLICATION SE 2002-PR-017 PREVIOUSLY APPROVED FOR A WAIVER OF CERTAIN SIGN REGULATIONS (PROVIDENCE DISTRICT)** (4:50 p.m.)

Supervisor Smyth moved to defer the public hearing on Special Exception Amendment Application SEA 2002-PR-017 until **October 17, 2005, at 3 p.m.** Supervisor Bulova seconded the motion and it carried by a vote of nine, Supervisor DuBois being out of the room.

45. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-MA-008 (FF REALTY AND CLEMENTE LLC) (MASON DISTRICT)** (4:51 p.m.)

- (O) The application property is located on the east side of South George Mason Drive, south of the Arlington County line, and west of South Fourteenth Street, Tax Map 62-3 ((1)) 13A, 14, 15, 17, 18, and 19; 62-3 ((7)) 1A, 2A, 3, 4, 5, 6A, 7A, 8, 9, and 10, and portions of Condit Court, South Greenbriar Street, and related cul-de-sacs public rights-of-way to be vacated and/or abandoned on approximately 7.21 acres.

Ms. Elizabeth D. Baker reaffirmed the validity of the affidavit for the record. Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$100 by C. Daniel Clemente through 8500 CDC L.P. which is not a party to this application

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$100 by William H. Gordon of William H. Gordon Associates, Incorporated, who is shown as an agent of the applicant through other partnerships

Ms. Baker had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by four speakers, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2005-MA-008, from the C-3, R-3, SC, HC, and CRD Districts to the PRM, SC, HC, and CRD Districts subject to the proffers dated September 23, 2005.
- Waiver of the service drive along Route 7 and of interparcel access to the church site to the west.
- Modification of the loading space requirement from five spaces to three.
- Modification of the transitional screening barrier and Baileys Crossroads streetscape requirements in favor of sidewalks and streetscapes shown on the Conceptual Development Plan (CDP)/ Final Development Plan (FDP).
- Modification of the trail requirement on Route 7 and South George Mason Drive in favor of the sidewalks and streetscape shown on the CDP/FDP.

Supervisor Bulova seconded the motion and it carried by a vote of seven, Supervisor Bulova, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor DuBois, Supervisor Frey, and Supervisor McConnell being out of the room.

Supervisor Gross submitted items for the record.

On September 22, 2005, the Planning Commission approved Final Development Plan FDP 2005-MA-008 subject to the FDP conditions dated August 31, 2005.

46. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2005-LE-011 (JENNINGS MOTOR COMPANY, INCORPORATED) (LEE DISTRICT) (5:19 p.m.)**

This application was withdrawn on Wednesday, September 14, 2005.

47. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-M-047 (SAUL SUBSIDIARY LIMITED PARTNERSHIP) (MASON DISTRICT) (5:19 p.m.)**

The application property is located at 6201 Arlington Boulevard (Seven Corners Shopping Center) Tax Map 51-3 ((1)) 29, 29A and 51-3 ((16)) (B) 1.

Mr. Mark C. Looney reaffirmed the validity of the affidavit for the record.

Chairman Connolly disclosed the following campaign contribution which he had received:

- In excess of \$100 to the Connolly for Chairman campaign from B. Francis Saul II*

Mr. Looney had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Tracy Swagler, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Gross moved:

- Approval of Special Exception Amendment Application SEA 94-M-047, subject to the development conditions dated September 22, 2005.

Supervisor Smyth seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

Supervisor Gross moved:

- Reaffirmation of a modification of the transitional screening and barrier on the northern property boundary of parcel 29A.
- Waiver of the transitional screening and barrier on the eastern and northern property boundaries of parcel 29.
- Modification of the peripheral parking lot landscaping along all street frontages.
- Modification of the trail requirement along Route 50 in favor of the existing four-foot-wide sidewalk.
- Reaffirmation of a waiver of the service drive requirement on Route 7.
- Waiver of the frontage improvements along the Route 7 frontage, subject to the provision of all necessary ancillary and construction easements.

- A parking reduction of 20 percent in accordance with Section A7-209 of the Zoning Ordinance.

Supervisor Kauffman seconded the motion, and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

(*NOTE: Later in the meeting, Chairman Connolly clarified his disclosure. He said the contribution was from B. Francis L. Saul III. See Clerk's Summary Item CL#74.)

48. **4 P.M. – PH ON REZONING APPLICATION RZ 2005-PR-003 (DUNN LORING METRO APARTMENT PARTNERSHIP) (PROVIDENCE DISTRICT)** (5:28 p.m.)

Supervisor Smyth moved to defer the public hearing on Rezoning Application RZ 2005-PR-003 until **October 17, 2005, at 3 p.m.** Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

ADDITIONAL ACTIONS FROM CLOSED SESSION

49. **USE OF LEWINSVILLE PARK BY MARYMOUNT UNIVERSITY AND PROPOSED AMENDMENT TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE) (DRANESVILLE DISTRICT)** (5:29 p.m.)

- (A) Supervisor DuBois noted that the Supreme Court of Virginia issued a decision regarding the use of Lewinsville Park by Marymount University. The Supreme Court decided the case on procedural grounds and allowed the Board of Zoning Appeals (BZA) to pronounce that the BZA's decision in the matter would be final on a certain date, and then, after the Board's appeal to the Circuit Court was taken 30 days after that date, the BZA was allowed to argue and convince the Court that the same decision was actually final eight days earlier. The Supreme Court unfortunately accepted this argument and did not reach the merits of the case because it concluded that the Board, the Park Authority, and the Zoning Administrator were too late in challenging the BZA's decision. She said that the case has been wrongly decided and that it leads to an extraordinarily unjust result. She added that it is her judgment that the Board should ask the Supreme Court to grant a rehearing in this case.

Therefore, Supervisor DuBois moved that the Board direct the County Attorney to file a petition for a rehearing with the Supreme Court of Virginia in the two consolidated cases involving the use of Lewinsville Park, Record Nos. 042274 and 042326. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

Supervisor DuBois said that the Lewinsville Park litigation essentially involves the question of whether the use of the Park is still a public use if Field No. 2 at the Park is used by Marymount University under an agreement that the Park Authority has with McLean Youth Soccer. Marymount University partnered with McLean Youth Soccer to install synthetic turf on Field No. 2 that could be used for many hours more than a typical grass field. She said that Marymount's use of Field No. 2 did not change Lewinsville Park from a public use to a private use. As the Board Members are aware, public uses are allowed by right in every zoning district under the Zoning Ordinance. The Park Authority is a public agency and any use of Lewinsville Park is with the approval of the Park Authority. She added that the use of a public park such as Lewinsville Park for recreational purposes by a youth group, a university such as Marymount, or any other group changes that park into anything other than a public use. The Lewinsville Park litigation and the underlying BZA decision at issue in that case involved an interpretation of the Zoning Ordinance definition of the term "Public Use." She said that the Board should initiate an amendment to the Zoning Ordinance definition of the term "public use" to make sure the term "Public Use" includes the use of County facilities such as Lewinsville Park by members of the public such as youth groups, educational institutions such as Marymount, and other groups for public purposes such as the recreational activities that were questioned in this case. Without such an amendment, Supervisor DuBois said that she could foresee someone arguing that no weddings could take place in public facilities, that sports teams could not practice and play games on County fields, and that many other arguably "private" uses such as farmers' markets could not occur without special exceptions or other zoning approvals being required for each and every such use.

Therefore, Supervisor DuBois moved that the Board authorize the advertisement of an amendment to the Zoning Ordinance definition of the term "Public Use" as that new language is set forth on the sheet that she distributed to each Board member and the Clerk. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

Finally, Supervisor DuBois moved that the Board request the Planning Commission to provide the Board with its recommendation so the Board can act on this proposed amendment at its November 21 meeting. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Frey and Supervisor McConnell being out of the room.

50. **RESOLUTION REGARDING A CONSERVATION EASEMENT**
(DRANESVILLE DISTRICT) (5:33 p.m.)

- (R) Supervisor DuBois moved adoption of the Resolution authorizing financing and acquisition by the Park Authority and the County of a conservation easement on historic property in Dranesville District. Supervisor Bulova seconded the motion and it carried by a vote of eight, Supervisor Bulova, Supervisor DuBois, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman,

Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor Frey and Supervisor McConnell being out of the room.

(NOTE: Later in the meeting, additional discussion ensued regarding this issue. See Clerk’s Summary Item CL#51.)

ADDITIONAL BOARD MATTER

51. **PRESS CONFERENCE (DRANESVILLE DISTRICT)** (5:34 p.m.)

(NOTE: Earlier in the meeting, the Board took action regarding the conservation easement. See Clerk’s Board Summary Item CL#50.)

Supervisor DuBois announced that she, Chairman Connolly and members of the Park Authority Board will hold a press conference at the McLean Governmental Center on Thursday, September 29 at 11 a.m. concerning the new conservation easement in Dranesville District.

AGENDA ITEM

52. **4 P.M. – PH ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS** (5:34 p.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issue of September 15, 2005.

Jay Guy, Transportation Planner, Coordination and Funding Section, Department of Transportation, presented the staff report.

Following the public hearing, which included testimony by one speaker, Vice-Chairman Bulova closed the public hearing but kept the record open until the next Board meeting.

Supervisor Hyland asked unanimous consent that the Board direct staff to prepare a list of projects recommended for endorsement by the Board on October 17, 2005. Without objection, it was so ordered.

ADDITIONAL BOARD MATTERS

53. **PRESS CONFERENCE REVISION** (5:42 p.m.)

(NOTE: Earlier in the meeting, this matter was announced. See Clerk’s Summary Item CL#50.)

Supervisor DuBois stated that when she announced a press conference earlier in meeting, the date of the press conference is September 29, 2005, not October 29.

54. **4:00 P.M. – PH ON REZONING APPLICATION 2003 PR-026 (ELM STREET DEVELOPMENT, INCORPORATED AND JCE, INCORPORATED) (PROVIDENCE DISTRICT)**

AND

PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 76-P-118 (ELM STREET DEVELOPMENT) (PROVIDENCE DISTRICT) (5:42 p.m.)

- (O) The application property of Rezoning Application RZ 2003-PR-026 is located on the west side of Cedar Lane, north and west of Wedderburn Lane, Tax Map 39-3 ((1)) 15-18, 18A, 18B, 18C, 18D, 18E, 32, 33A, 33B, 33C and 39-3 ((38)) A.

The application property of Proffered Condition Amendment Application PCA 76-P-118 is located on the south side of Ninovan Road and north of the terminus of Augustus Court, Tax Map 39-3 ((38)) A.

Mr. Gregory A. Riegle reaffirmed the validity of the affidavit for the record.

Supervisor McConnell disclosed the following campaign contribution which she had received:

- In excess of \$100 to the McConnell campaign from Tetra Corporation

Supervisor McConnell also stated M.J. Wells and Associates, LLC has a business relationship with her company that is not related to any part of this application.

Supervisor Frey disclosed the following campaign contribution which he had received:

- In excess of \$100 from Carson Lee Fifer, Jr., of McGuire Woods LLP

Mr. Riegle had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Discussion ensued concerning the location of the conservation easement, tree preservation and bonding, an explanation of the trunk value method, and confirmation that the proffer provides for the County to collect a penalty in addition to replacement of any lost canopy, and those funds could be used for County preservation projects including planting new trees.

Following further discussion concerning the process to declassify the stream and suburban versus agricultural run-off, Carl Bouchard, Director of Stormwater Planning, Department of Public Works and Environmental Services (DPWES), provided input concerning the stream, as well as information on indicators used for drought monitoring.

Discussion continued with input from Angela Rodeheaver, Acting Division Chief, Transportation Planning Division, Department of Transportation, concerning the right and left turn lanes.

Following the public hearing, which included testimony by 39 speakers, Jimmie Jenkins, Director, DPWES, addressed the issue of perennial versus intermittent classifications of streams.

Regina Coyle, Branch Chief, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Approval of Proffered Condition Amendment Application PCA 76-P-118.
- Amendment to the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2003-PR-026 from the R-1 and r-2 Districts to the PDH-2 District and the Conceptual Development Plan, subject to the executed proffers dated September 22, 2005.

Supervisor Hyland seconded the motion.

Discussion continued concerning parking, the size of the buffer zone, the use of “good science,” the need for meaningful development, and involving communities in the process.

The question was called on the motion, and it carried by a vote of nine, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor McConnell, Supervisor Smyth, and Vice-Chairman Bulova voting “AYE,” Chairman Connolly being out of the room.

Supervisor Smyth submitted items for the record.

55. **4 P.M. – PH TO CONSIDER THE ADOPTION OF AN ORDINANCE TO AMEND APPENDIX H OF THE CODE OF THE COUNTY OF FAIRFAX TO GRANT A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE TO VERIZON VIRGINIA, INCORPORATED** (8:37 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 25 and September 1, 2005.

Gail J. Condrick, Director Department of Cable Communications, and Consumer Protection (DCCCP) presented the staff report.

Following the public hearing, which included testimony by 19 speakers, discussion continued concerning competition, consumer issues, and corporate citizenship.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved:

- Adoption of the Ordinance dated July 21, 2005, version two, to amend Appendix H of the Code of the County of Fairfax to grant a non-exclusive cable television franchise to Verizon Virginia to construct, operate, and maintain a cable system within Fairfax County, Virginia.
- To authorize the Chairman and County Executive to sign, on behalf of the County, the cable Franchise Agreement that is incorporated into the Ordinance.
- To direct staff to prepare a budget amendment for consideration at the next quarterly budget review that would allocate the franchise fees received as a result of the new franchise in the same manner the franchise fees received from Cox and Comcast are allocated.

Supervisor Gross seconded the motion and it carried by a vote of nine, Supervisor Bulova, Supervisor DuBois, Supervisor Frey, Supervisor Gross, Supervisor Hudgins, Supervisor Hyland, Supervisor Kauffman, Supervisor Smyth, and Chairman Connolly voting “AYE,” Supervisor McConnell being out of the room.

Supervisor Hudgins submitted items for the record.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

ADDITIONAL BOARD MATTERS**56. FAIRFAX FAMILIES CARE: UPDATE – AIDE TO VICTIMS OF HURRICANE KATRINA (9:47 p.m.)**

(NOTE: Earlier in the meeting, during presentations this issue was discussed. See Clerk's Board Summary Item CL#3.)

Chairman Connolly noted that during the last Board meeting he announced an exciting new initiative to aid the victims of Hurricane Katrina. He referred to his written Board Matter which shows an update on the number of individuals this initiative has served thus far. He indicated that it serves as a model initiative.

(NOTE: Later in the meeting, this issue was discussed. See Clerk's Board Summary Item CL#78.)

57. LETTER TO CRIME COMMISSION'S SEX OFFENDER TASK FORCE (9:48 p.m.)

Chairman Connolly said on August 1, 2005, the Board referred several proposals on the issue of sex offenders to the Legislative Committee. He said that the letter contained in his written Board Matters to the Commission suggests possible statutory amendments on two issues regarding the Registry and on the issue of possible early release for geriatric offenders. It also recommends that several broader concerns be incorporated into the Task Force's study, including community notification policies and procedures by which sex offenders are released into the community or civilly committed.

Therefore, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and moved that the Board endorse the letter for distribution to the Chairman and Vice-Chairman of the Crime Commission and Fairfax County's local legislative representatives on the Sex Offender Task Force. Supervisor DuBois seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Chairman Connolly expressed appreciation to Supervisor Smyth for bringing this issue to the attention of the Board.

58. RECOGNITION OF US WORLD CUP TEAM COACH BRUCE ARENA (9:49 p.m.)

Chairman Connolly noted that the US national soccer team has just qualified to go to the World Cup. He pointed out that the national coach is a County resident. Bruce Arena is widely recognized as the best American soccer coach in the sport's history, with five NCAA titles at the University of Virginia and two professional soccer titles with DC United. Mr. Arena will lead the US team at the World Cup in Germany.

Therefore, Chairman Connolly moved that the Board direct staff to invite Mr. Arena to appear before the Board prior to the World Cup competition to be recognized for his extraordinary achievements and to wish him and his team good fortune during that competition. Vice-Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor McConnell being out of the room.

59. **FILL THE BOOT** (9:50 p.m.)

Chairman Connolly said on Labor Day weekend, the Fire and Rescue Department, along with its brothers and sisters across the United States and Local 2068 of the International Association of Firefighters (IAFF,) joined the fight against muscular dystrophy. With television screens filled with images of unbelievable destruction and human misery, the County's fire service added the victims of Katrina to their fundraising efforts. The public responded overwhelmingly to the energy and purpose of this year's campaign and the record breaking total was \$581,058. Of the County's total, \$119,516 will go to the IAFF Disaster Relief Fund in support of Hurricane Katrina.

Chairman Connolly proudly announced that not only was this a record for the County, but Fairfax topped the nation's firefighters for the Labor Day weekend efforts. Once again, the County's Fire and Rescue Department is number one in the nation.

Therefore, Chairman Connolly asked unanimous consent that the Board direct staff to invite representatives of the Fire and Rescue Department along with Local 2068 of the IAFF, the Muscular Dystrophy Association, and Sun Trust Bank, to appear before the Board to be recognized for their outstanding efforts. Without objection, it was so ordered.

60. **WELCOME TO FAIRFAX COUNTY SIGNS** (9:51 p.m.)

(NOTE: Earlier in the meeting, the Board heard a presentation by the Fairfax County Convention and Visitors Corporation. See Clerk's Summary Item CL#13.)

Chairman Connolly said many area jurisdictions have appropriate signs along the roadways welcoming visitors to that location as they cross from one municipality to the next. Especially in the Washington Metropolitan region, where inter-jurisdictional travel is a frequent, if not daily, occurrence for hundreds of thousands of drivers, these signs help foster a sense of identity for the communities traveled through, as well as provide an excellent opportunity to promote those locations to visitors. While towns and several unincorporated areas have such signs welcoming people to those specific locations, there are currently no signs welcoming visitors to Fairfax County.

In light of its exceptional work in promoting the County as a desirable location for visitors both in and out of the region, Chairman Connolly asked unanimous

consent that the Board request the County Convention and Visitors Corporation to explore the possibility of placing “Welcome to Fairfax County” signs at key roadway entrances to Fairfax. Without objection, it was so ordered.

Chairman Connolly credited Supervisor Kauffman for the idea and he, in turn, credited Supervisor Bulova. A brief discussion ensued regarding previous signage efforts.

61. **AMERICA RECYCLES DAY** (9:53 p.m.)

Chairman Connolly said that it is once again time for “America Recycles Day,” a national celebration with the goals of raising awareness about recycling and encouraging the purchase of recycled-content products both within the County government as well as with the residents and businesses located in the County.

Therefore, Chairman Connolly asked unanimous consent that the Board proclaim November 5, 2005, as “*America Recycles Day*” in Fairfax County and direct staff to invite appropriate representatives from the Department of Public Works and Environmental Services, Division of Solid Waste Collection and Recycling, to be appear before the Board to be presented with the proclamation at the October 17 Board meeting. Without objection, it was so ordered.

62. **TEEN VOLUNTEER FAIRS** (9:53 p.m.)

Chairman Connolly said that at this time of year Board Members’ offices are often inundated with students seeking public service volunteering opportunities. He distributed a media release from the County Public Library announcing a series of teen volunteer fairs to take place throughout the month of October. More than 30 organizations will be represented at the fairs, including the American Red Cross, the Capital Area Food Bank, the Fairfax County Park Authority, and the Feline Foundation. A full list of participating organizations, as well as specific fair times and locations, may be found on the Fairfax County Public Library website: www.fairfaxcounty.gov/library.

63. **UNITED WAY DAY** (9:54 p.m.)

Chairman Connolly said that the County community has been extremely generous in opening its hearts and wallets to help victims recover from the aftermath of Hurricane Katrina. Soon, it will be time for the annual United Way campaign to kick off, and he noted that the County is very supportive of this effort.

Therefore, in light of the upcoming campaign, Chairman Connolly asked unanimous consent that the Board proclaim October 17, 2005, as “*United Way Day*” in Fairfax County, and direct staff to invite appropriate representatives from the United Way and County staff to appear before the Board to be recognized with the proclamation at the October 17 Board meeting. Without objection, it was so ordered.

64. **AMERICAN INDIAN HERITAGE MONTH** (9:55 p.m.)

Chairman Connolly said that the month of November is nationally recognized as American Indian Heritage Month. Therefore, he asked unanimous consent that the Board proclaim November 2005 "*American Indian Heritage Month*" in Fairfax County and direct staff to invite appropriate representatives from the Office of Equity Programs to appear before the Board to be presented with the proclamation at the November 21 Board meeting. Without objection, it was so ordered.

65. **PEDESTRIAN SAFETY MONTH** (9:55 p.m.)

Chairman Connolly said that next month is also Pedestrian Safety Month. Therefore, since the County is on record as committed to pedestrian safety efforts and desires to be a leader in pedestrian safety awareness, he asked unanimous consent that the Board declare October as "*Pedestrian Safety Month*" in Fairfax County, and direct staff to prepare an appropriate resolution. Without objection, it was so ordered.

66. **FAIRFAX COUNTY PARKWAY EXTENSION AT THE ENGINEERING PROVING GROUND (EPG)/FORT BELVOIR** (9:56 p.m.)

Jointly with Supervisor Hyland and Supervisor Kauffman, Chairman Connolly stated that in May 2005 the Virginia Department of Transportation (VDOT) notified the County that VDOT had decided to put the contract award for the remaining missing link of the Fairfax County Parkway project on hold. This decision was in response to a number of delays by Fort Belvoir and the Department of the Army on the EPG environmental clean up and subsequent land transfer. The Parkway project runs through the EPG site between the Franconia-Springfield Parkway at Rolling Road and Fullerton Road. The County has now been informed that the latest schedule provided by the Army indicates it will require in excess of 900 days to resolve the environmental issues associated with the cleanup of the M-26 site.

As a result of the latest schedule by the Army and VDOT decisions to put this project on hold, the need for an innovative solution that is independent of the Army's schedule must be undertaken. It is the position of the Board that VDOT needs to move this project forward using novel solutions that will avoid the EPG site's environmental issues along with construction beginning prior to the finalization of the land transfer. Chairman Connolly asserted that VDOT must take action now to work around these issues and get this project to bid.

Therefore, jointly with Supervisor Hyland and Supervisor Kauffman, and with reference to a letter distributed around the dais, Chairman Connolly moved that the Board forward the letter to Pierce Homer, Virginia's Secretary of Transportation, addressing the concerns of the Board to demonstrate its strong

determination to get this project constructed as quickly as possible. Supervisor Hyland and Supervisor Kauffman jointly seconded the motion.

Supervisor Hyland asked to amend the motion to provide copies of the letter to Senator Allen, Senator Warner, Congressman Davis, and Congressman Moran, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of nine, Supervisor McConnell being out of the room.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

67. **McLEAN HARVEST FESTIVAL (DRANESVILLE DISTRICT)** (9:59 p.m.)

Supervisor DuBois announced that the McLean Harvest Festival will be October 1 at the McLean Community Center. Entertainment will include many children's activities. Festival hours are from 11 a.m. to 4 p.m. For information or to register in advance, call 703-790-0123 or visit <http://www.mcleancenter.org>. She asked unanimous consent that the Board direct the Office of Public Affairs to publicize this event. Without objection, it was so ordered.

68. **NO BOARD MATTERS FOR SUPERVISOR BULOVA (BRADDOCK DISTRICT)** (9:59 p.m.)

Supervisor Bulova announced that she had no Board Matters to present today.

69. **MASON DISTRICT TOWN MEETING** (10 p.m.)

Supervisor Gross announced the Mason District town meeting will be held on Thursday, September 27 at 7 p.m. at the Mason Governmental Center. The subject is *Emergency Preparedness*. She invited Mason District residents to attend.

70. **BAILEYS DAY (MASON DISTRICT)** (10 p.m.)

Supervisor Gross announced that the annual Baileys Day will be held Saturday, October 1 from 10 a.m. until 5 p.m. at St. Paul's Episcopal Church.

71. **SERVICE ANIMALS** (10 p.m.)

(BACs) Supervisor Gross noted that "seeing eye" dogs are companion animals for sight-impaired people. Similarly, "hearing" dogs are becoming an option for those people with hearing impairments. Unfortunately, hearing dogs are not being recognized as critical to the person they are trained to assist, even by County personnel.

Supervisor Gross said that she received some email messages from a constituent last week whose hearing dog got away after pulling the leash out of her constituent's hand in wooded parkland near Edsall Road and I-395. A call to the non-emergency number elicited a response that was less than acceptable – “we don't care if it's a service dog or not.” Fortunately, this story has a happy ending. After knocking on several doors in the adjacent community, the constituent was able to enlist the aid of some neighbors who took up the search and found the hearing dog unharmed. It was standing in the middle of a stream with its lead caught on a rock.

Supervisor Gross pointed out that service animals are not pets; they are critical to the safety of their companion, and act as guide and protector for sight and hearing-impaired residents, and calls for assistance involving a companion animal need to be addressed with sensitivity and understanding.

Therefore, Supervisor Gross asked unanimous consent that the Board:

- Refer the matter of how the County responds to requests for assistance involving service animals to the appropriate County agency(ies) for review and report.
- Request the Animal Services Advisory Commission to provide input and review.

Without objection, it was so ordered.

With reference to the referenced emails, Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to verify the accuracy of the account and report with the details on incident, including any resulting disciplinary action. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

72. **2005 PROVIDENCE DISTRICT VOLUNTEERFEST EVENT** (10:05 p.m.)

Supervisor Smyth invited Chairman Connolly to join her in this Board Matter. The 2005 Providence District VolunteerFest Committee welcomes residents to participate in various projects that will be held throughout Providence District. Projects will begin as early as October 17 and continue into October 24. The highlight day of the festivities is in conjunction with Volunteer Fairfax Volunteer Fest and the *National Make a Difference Day* to be held on October 22.

Supervisor Smyth said that October 22 will highlight the spirit of volunteerism in action, as residents work on projects that will make a difference. The projects include removing invasive species from the W&OD Trail, collecting children's clothing for shelters and schools by the Human Services Council, an Inova Health

System sponsored health fair that will offer free screenings, a non-perishable food drop off location for *Food for Others* located at her office, a book sale sponsored by the Friends of Oakton Library, and many more projects. She added that they need volunteers for all projects and those who wish to volunteer may do so through the Volunteer Fairfax website.

Furthermore, to kick off and wrap up the projects in Providence, Supervisor Smyth said that the Merrifield Festival, sponsored by the Greater Merrifield Business Association, will be an all day event held at Luther Jackson Middle School. Residents are welcome to spend the day or to stop by and enjoy the sights and sounds of Merrifield.

Supervisor Smyth asked Board Members to help promote this event and all events hosted in conjunction with Volunteer Fairfax VolunteerFest.

Further, Supervisor Smyth asked unanimous consent that the Board direct staff to publicize this event, including those coordinated by Volunteer Fairfax VolunteerFest events in Providence District and the County. Without objection, it was so ordered.

73. **VIRGINIA COOPERATIVE EXTENSION (VCE) IMPACTING COMMUNITIES IN THE COUNTY** (10:07 p.m.)

Supervisor Smyth said that over this past summer, her office had been working closely with the VCE's Leadership Council to present a public awareness day to showcase programs offered by Extension in Fairfax County. She noted that Extension offers many valuable programs such as the Master Gardener's Program, 4-H Club and the Jump Mentoring Program, to name a few. Extension programs and staff are an important part of communities and a familiar face at farmer's markets, community centers, and schools, as they serve County residents.

On behalf of Extension's Leadership Council, Supervisor Smyth announced that the showcase event day is scheduled for October 7 at 11:30 a.m. at the Government Center's main lobby forum area, and she invited Board Members to join her in support of Extension's undertaking.

Therefore, Supervisor Smyth asked unanimous consent that the Board direct staff to publicize this event and be given support from staff. Without objection, it was so ordered.

74. **REQUEST FOR EXPEDITED AND CONCURRENT PROCESSING FOR THE CLAUDE MOORE HEALTH EDUCATION CENTER – SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 80-P-079-16 (PROVIDENCE DISTRICT)** (10:08 p.m.)

Supervisor Smyth indicated that the following Board Matter was presented at a previous meeting, but there was a typographical error in the actual motion.

Supervisor Smyth said that she has been informed by representatives of Inova that during the preparation of the final building plans for the proposed Claude Moore Health Education Center on the Inova Fairfax Hospital Campus, it was determined that an additional floor must be added to the building that the Board approved in November 2004. Planning staff has concluded that this revision necessitates a special exception amendment.

Supervisor Smyth noted that Inova has filed Special Exception Amendment Application SEA 80-P-079-14 to address this additional floor. Given the time constraints to commence construction of the Education Center, it has been concluded that the requisite site and building plans must be filed and reviewed by the County while the special exception amendment application is being processed.

Therefore, Supervisor Smyth moved that the Board:

- Direct staff to schedule a public hearing to be held before the Board for the earliest possible date for Special Exception Amendment Application SEA 80-P-079-14.
- Approve concurrent processing for both the site and building plans for this proposed building while the special exception amendment application is being processed.

This motion does not prejudice in any way the consideration of this application nor does it relieve the application compliance with the provisions of all the applicable ordinances, regulations or adopted standards.

This motion, the second to which was indistinguishable, carried by a vote of nine, Supervisor McConnell being out of the room.

With reference to typographical errors, Chairman Connolly noted that earlier in the meeting, (during the public hearing for Special Exception Amendment Application SEA 94-M-047) he disclosed a contribution from Mr. B. Francis Saul. He clarified for the record that it should be Mr. B. Francis Saul III, not Mr. B. Francis Saul II.

PMH:pmh

75. **REQUEST TO SEND LETTER OPPOSING MEDICAID CUTS TO CONGRESSIONAL DELEGATION** (10:09 p.m.)

Supervisor Hudgins said on April 28, 2005, Congress adopted H. Con. Res. 95, the Budget Resolution for Fiscal Year 2006. As part of its budget deliberations, Congress is considering cuts in Medicaid of \$10 billion.

The Board was briefed on this item at the September 19, 2005, Human Services Committee, and it was the consensus that a letter be drafted from the Chairman to address this Issue.

Therefore, Supervisor Hudgins moved that the Board endorse the letter contained in her written Board Matter to the Congressional delegation opposing any Medicaid cuts, particularly reforms that shifts cost to local government. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to use the Chairman's letterhead for the letter. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

76. **COMMUNITY CRIMINAL JUSTICE BOARD (CCJB) ENDORSEMENTS FOR TWO ADDITIONAL JUDGES** (10:10 p.m.)

(BACs) As the Board of Supervisors Representative of the CCJB, Supervisor Hudgins called to the Board's attention CCJB's endorsement for two additional judges for the nineteenth Judicial Circuit and request that the Board also send a letter of endorsement to the Committee on District Courts - Supreme Court of Virginia which will hear the requests on October 14, 2005.

Supervisor Hudgins said that the Juvenile and Domestic Relations District Court is requesting an eighth judge. The supporting caseload and population documentation validates the request. At the same time, Fairfax General District Court is requesting the addition of an eleventh judge.

Therefore, Supervisor Hudgins moved that the Board endorse the additional seats on the Juvenile and Domestic Relations District Court and General District Court both in the Nineteenth Judicial Circuit and that a letter of support be drafted for the Chairman's signature to be sent to The Honorable Leroy Roundtree Hassell, Sr., Chairman, Committee on District Courts, Supreme Court of Virginia. Supervisor Hyland seconded the motion.

Supervisor Kauffman asked to amend the motion to request the courts to look for opportunities for altering the delivery of services (satellite courts, night courts, etcetera), and this was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor McConnell being out of the room.

77. **CHURCH BELLS AND COUNTY ORDINANCE** (10:13 p.m.)

Supervisor Hudgins said that a year ago, a complaint was filed and it was determined the church bells installed at the Saint John Neumann Church were not in compliance with the ordinance. She said that her office and County staff have continued to address this issue, but have been unable to resolve the issue administratively.

Therefore, Supervisor Hudgins moved that the Board include this issue in the Development Process Review Committee 2006 Work Program to determine if there is an opportunity to review the Ordinance specifically relating to church bells. Supervisor Frey seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct the Development Process Review Committee to move this issue up on the priority list. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

78. **CERTIFICATE OF RECOGNITION FOR “FAIRFAX FAMILIES CARE”**
(10:18 p.m.)

(BACs) (NOTE: Earlier in the meeting, this issue was discussed. See Clerk’s Board Summary Items CL#3 and CL#56.)

Supervisor Hudgins asked unanimous consent that the Board direct staff to invite those who have worked to develop the coalition for “Fairfax Families Care” to appear before the Board to be recognized for their work. Without objection, it was so ordered.

79. **CRIMINAL HISTORY RECORD CHECKS** (10:19 p.m.)

On behalf of Supervisor McConnell, Supervisor Bulova said that it has been brought to Supervisor McConnell’s attention by members of the Department of Housing and Community Development (HCD) that criminal history record checks, once provided free through the Police Department, must now be purchased through the Virginia State Police for a fee of \$15 per applicant.

Several years ago Congress provided housing agencies the authority to have access to housing applicant's criminal history records in support of its authority to deny housing benefits to those involved in certain criminal activity such as violent or drug related behavior. It also enabled agencies to determine if applicants had failed to report other related criminal behavior as required in the application. These reports have proven invaluable in detecting falsification of applications as they related to arrest and convictions.

Recently the Virginia State Police, keepers of the Virginia Criminal Information Network, has prohibited the dissemination of these records by the Police Department and has informed them that non-police requested record checks must be obtained via the non-criminal justice interface system along with other organizations, such as volunteer groups, private sector employers and foster care providers. Since HCD ran over 2,000 record checks in 2004, these fees would have exceeded \$30,000 if obtained through the non-criminal justice interface.

Therefore, Supervisor Bulova asked unanimous consent that this issue be submitted to the Legislative Committee to determine if legislation is needed to exempt County agencies from such fees when requesting criminal history record checks (arrests and convictions) in performance of their duties. Without objection, it was so ordered.

80. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR DR. BUD R. CALVERT (SPRINGFIELD DISTRICT)** (10:21 p.m.)

On behalf of Supervisor McConnell, Supervisor Bulova said that Dr. Bud R. Calvert, a longtime friend, Pastor and founder of the Fairfax Baptist Temple will soon be retiring after 35 years of ministering to the people of the County and the surrounding communities.

Supervisor Bulova referred to the written Board Matter and outlined Dr. Calvert's accomplishments. She asked unanimous consent that the Board direct staff to invite Dr. Bud Calvert to appear before the Board to be recognized for his outstanding contributions to the faith community and to the County. Without objection, it was so ordered.

81. **CORPORATE OFFICE PROPERTIES TRUST – PROFFERED CONDITION AMENDMENT APPLICATION PCA 85-S-061-04 (SULLY DISTRICT)** (10:22 p.m.)

Supervisor Frey said that pending Proffered Condition Amendment Application PCA 85-S-061-04 has been filed to revise building layouts for an office development located within Westfields International Corporate Center at Dulles, situated west of Parkstone Drive, south of Conference Center Drive and north of Braddock Road. No increase in floor area ratio is proposed. The Planning Commission public hearing is scheduled for December 7, 2005. The applicant has requested that the Board authorize the scheduling of the Board public hearing, as well as concurrent processing for the site plan and any other engineering approvals associated with the application.

Supervisor Frey noted that the applicant understands that this motion does not relieve them of any obligation, ordinance or standards, and will not prejudice the consideration of the applications in any way.

Therefore, Supervisor Frey moved that the Board authorize the scheduling of the

Board hearing on this application to occur as soon as practicable after the Planning Commission decision, as well as concurrent processing of the application with the associated engineering approvals. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

82. **MOUNT VERNON COUNCIL OF CITIZENS ASSOCIATION
PEDESTRIAN SAFETY RESOLUTION** (10:23 p.m.)

Supervisor Hyland said that recently, he received a resolution that outlines some of the dissatisfaction Mount Vernon residents have encountered in their efforts to make Richmond Highway safer for pedestrians.

Therefore, Supervisor Hyland moved that the Board direct the Department of Transportation to review the resolution and pedestrian crossing conceptual drawing and respond with their recommendations to both the Lee and Mount Vernon Districts. Supervisor Hudgins and Supervisor Kauffmann jointly seconded the motion.

Chairman Connolly relinquished the Chair to Vice-Chairman Bulova and asked unanimous consent that the Board direct staff to also provide the Chairman with a copy of their recommendations. Without objection, it was so ordered.

Vice-Chairman Bulova returned the gavel to Chairman Connolly.

The question was called on the motion and it carried by a vote of nine, Supervisor McConnell being out of the room.

83. **MOUNT VERNON COUNCIL OF CITIZENS ASSOCIATIONS
RESOLUTIONS ON THE COMPREHENSIVE PLAN AND PEDESTRIAN
SAFETY IN HUNTINGTON** (10:24 p.m.)

Supervisor Hyland said that along with the pedestrian safety resolution referenced in his previous Board Matter, he received two others regarding changes to the Comprehensive Plan and pedestrian safety in Huntington. The Council recommends making 13 changes to better align intersections, widen heavily traveled roads, and amend the transportation goals for the Mount Vernon and Lower Potomac Planning Districts.

Therefore, Supervisor asked unanimous consent that the Board refer these resolutions to the Department of Transportation and the Department of Planning and Zoning for review and response. Without objection, it was so ordered.

84. **MASS EVACUATION PROCESS** (10:25 p.m.)

Supervisor Kauffman said that in the event of a mass evacuation, school buses would be needed in addition to the transit system buses.

Therefore, Supervisor Kauffman asked unanimous consent that the Board direct staff to examine the issue of an operational agreement signed by the County Executive and the Superintendent of Schools to use schools buses for an evacuation. Without objection, it was so ordered.

85. **METRO SUMMIT** (10:26 p.m.)

Supervisor Kauffman announced that there would be a Metro summit on October 3, 2005.

86. **IMPENDING NUPTIALS** (10:26 p.m.)

Supervisor Kauffman announced that his Chief of Staff, Jeff McKay is planning to get married.

Chairman Connolly announced that Mr. Brian Clifford of his office is also planning to get married soon.

87. **BOARD ADJOURNMENT** (10:26 p.m.)

The Board adjourned.

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